

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #07	CCRB Case #: 202002623	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/03/2020 12:22 AM, Friday, 04/10/2020 12:28 AM	Location of Incident: Lafayette Avenue and Hunts Point Avenue	18 Mo. SOL 5/4/2022	Precinct: 41		
Date/Time CV Reported Thu, 04/09/2020 2:35 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 04/09/2020 2:35 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Abel Dupres	13626	963498	041 PCT
2. POF Aine Reynolds	23718	963229	041 PCT
3. SGT Louis Guglielmo	00489	930285	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Aine Reynolds	Abuse: On April 3, 2020, Police Officer Aine Reynolds stopped § 87(2)(b)	
B.POM Abel Dupres	Abuse: On April 3, 2020, Police Officer Abel Dupres stopped § 87(2)(b)	
C.POM Abel Dupres	Abuse: On April 3, 2020, Police Officer Abel Dupres frisked § 87(2)(b)	
D.POF Aine Reynolds	Abuse: On April 3, 2020, Police Officer Aine Reynolds searched the vehicle in which § 87(2)(b) was an occupant.	
E.POM Abel Dupres	Abuse: On April 3, 2020, Police Officer Abel Dupres failed to provide § 87(2)(b) with a business card.	
F.SGT Louis Guglielmo	Abuse: On April 10, 2020, Sergeant Louis Guglielmo stopped the vehicle in which § 87(2)(b) was an occupant.	
G.SGT Louis Guglielmo	Discourtesy: On April 10, 2020, Sergeant Louis Guglielmo spoke discourteously to § 87(2)(b)	
H.POM Abel Dupres	Abuse: On April 10, 2020, Police Officer Abel Dupres frisked § 87(2)(b)	
I.POM Abel Dupres	Abuse: On April 10, 2020, Police Officer Abel Dupres searched the vehicle in which § 87(2)(b) was an occupant.	
J.POF Aine Reynolds	Abuse: On April 10, 2020, Police Officer Aine Reynolds searched the vehicle in which § 87(2)(b) was an occupant.	
K.SGT Louis Guglielmo	Abuse: On April 10, 2020, Sergeant Louis Guglielmo searched the vehicle in which § 87(2)(b) was an occupant.	

Officer(s)	Allegation	Investigator Recommendation
L.SGT Louis Guglielmo	Abuse: On April 10, 2020, Sergeant Louis Guglielmo threatened to seize § 87(2)(b) s property.	[REDACTED]
M.POM Abel Dupres	Abuse: On April 10, 2020, Police Officer Abel Dupres failed to provide § 87(2)(b) with a business card.	[REDACTED]
N.SGT Louis Guglielmo	Abuse: On April 10, 2020, Sergeant Louis Guglielmo failed to provide § 87(2)(b) with a business card.	[REDACTED]
O.POF Aine Reynolds	Abuse: On April 10, 2020, Police Officer Aine Reynolds failed to provide § 87(2)(b) with a business card.	[REDACTED]
§ 87(4-b) § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On April 9, 2020, § 87(2)(b) initially filed this complaint via the CCRB online website. While making a statement, he added another incident date to the case on April 13, 2020.

On April 3, 2020, at approximately 12:00 AM, Police Officer Aine Reynolds and Police Officer Abel Dupres of the 41st Precinct approached § 87(2)(b) while he sat in the passenger seat of his illegally parked vehicle near the intersection of Hunts Point Avenue and Lafayette Avenue in the Hunts Point section of the Bronx. (**Allegation A & B: Abuse of Authority – Stop,** § 87(2)(g)). When § 87(2)(b) rolled down the driver’s window, PO Reynolds told him she smelled marijuana coming from inside and asked him to exit the vehicle. When he got out, PO Dupres frisked him (**Allegation C: Abuse of Authority – Frisk,** § 87(2)(g)). PO Reynolds then searched the vehicle but did not recover anything illegal (**Allegation D: Abuse of Authority – Vehicle Search,** § 87(2)(g)). The officers used their discretion and did not give § 87(2)(b) summons for parking illegally.

Before she left, PO Reynolds offered § 87(2)(b) a business card under the Right to Know Act, but he declined. PO Dupres, however, did not offer a business card and walked away from § 87(2)(b) before PO Reynolds offered hers (**Allegation E: Abuse of Authority – Failure to Provide RTKA Card,** § 87(2)(g)).

On April 10, 2020, at approximately 12:30 AM, § 87(2)(b) was about to leave an illegal parking space near the same intersection, when Sergeant Louis Guglielmo, also of the 41st Precinct, used his vehicle to block him in (**Allegation F: Abuse of Authority – Vehicle Stop,** § 87(2)(g)). When § 87(2)(b) showed him his license and registration in a booklet, Sgt. Guglielmo allegedly told him to take the documents out of the “fucking” book. He would allegedly use the same word again at the end of the incident (**Allegation G: Discourtesy – Word,** § 87(2)(g)). Shortly after, PO Dupres and PO Reynolds arrived, and PO Dupres told § 87(2)(b) to exit the vehicle because he and PO Reynolds smelled marijuana. When § 87(2)(b) got out, PO Dupres frisked him (**Allegation H: Abuse of Authority – Frisk,** § 87(2)(g)). Throughout the interaction all three MOS searched the vehicle but did not find anything illegal (**Allegations I, J & K: Abuse of Authority – Vehicle Search,** § 87(2)(g)).

Before leaving, Sgt. Guglielmo allegedly told § 87(2)(b) if he ever found his car in Hunts Point again, he would have it towed (**Allegation L: Abuse of Authority – Threat to Damage/Seize Property,** § 87(2)(g)). Allegedly, officers failed to offer § 87(2)(b) business cards under the Right to Know Act at the conclusion of this interaction (**Allegations M & N: Abuse of Authority – Failure to Provide RTKA Card,** § 87(2)(g) **& Allegation O: Abuse of Authority – Failure to Provide RTKA Card,** § 87(2)(g)).

§ 87(4-b) § 87(2)(g)

The NYPD Legal Department provided six Body-Worn Camera (BWC) videos in regards to this case. **(Board Review 1 & Board Review 2)** § 87(2)(b) provided two cell phone videos in regards to this incident as well **(Board Review 3 & Board Review 4)**.

Findings and Recommendations

Allegation A: Abuse of Authority: On April 3, 2020, Police Officer Aine Reynolds stopped
§ 87(2)(b)

Allegation B: Abuse of Authority: On April 3, 2020, Police Officer Abel Dupres stopped
§ 87(2)(b)

Allegation C: Abuse of Authority: On April 3, 2020, Police Officer Abel Dupres frisked
§ 87(2)(b)

Allegation D: Abuse of Authority: On April 3, 2020, Police Officer Aine Reynolds searched the vehicle in which § 87(2)(b) **was an occupant.**

Allegation E: Abuse of Authority: On April 3, 2020, Police Officer Abel Dupres failed to provide § 87(2)(b) **with a business card.**

On April 3, 2020, at approximately 12:20 AM, based on BWC metadata, PO Reynolds and PO Dupres approached § 87(2)(b)'s vehicle. **(Board Review 1)** § 87(2)(b) said he was sitting alone in the passenger seat of his car, which was parked within two feet of a fire hydrant and turned off, when the officers approached his vehicle. **(Board Review 5)** PO Reynolds said they noticed his car was turned on and parked in front of the fire hydrant. **(Board Review 6)** At the beginning of her first of two BWC videos, the vehicle's engine appears to be turned off, but shows it is parked within a few feet of a fire hydrant at timestamp 1:27. **(Board Review 7)** PO Dupres' BWC also shows § 87(2)(b)'s car very close to the hydrant from a different angle at timestamp 0:14. **(Board Review 7)**

According to both officers, when they approached the vehicle, they smelled marijuana coming from inside once § 87(2)(b) rolled down the window. **(Board Review 6 & Board Review 8)** PO Reynolds' first BWC shows her asking § 87(2)(b) about the smell at timestamp 0:45, which he denies, and then asking him to exit the vehicle. **(Board Review 7)** § 87(2)(b) told the CCRB there was no marijuana inside his vehicle nor had anyone smoked in it. **(Board Review 5)** However, at timestamp 12:22 of PO Dupres' BWC, after having repeatedly claimed to only smoke Black & Mild brand cigars, § 87(2)(b) admits that someone else might have smoked marijuana inside the car earlier that day. **(Board Review 7)** This admission comes after multiple statements from officers saying throughout the BWC videos they can smell marijuana.

At timestamp 1:43 of her first BWC, PO Reynolds begins her search of § 87(2)(b)'s car from the passenger side while PO Dupres stays with § 87(2)(b) on the sidewalk towards the rear bumper. **(Board Review 7)** PO Reynolds' first BWC shows she calls for back-up on her cellphone at timestamp 2:32 **(Board Review 7)** PO Dupres' BWC shows these officers do not interact with § 87(2)(b) very much other than telling him to cooperate with PO Reynolds and PO Dupres once they arrive at timestamp 3:46. **(Board Review 7)** While speaking to PO Dupres, § 87(2)(b) says the

officers may search his car at timestamp 3:20, although this is already after PO Reynolds has begun. **(Board Review 7)**

While her first BWC shows her finding a substantial amount of cash in the front center console at timestamp 2:45 in addition to a stack of money she had previously addressed at timestamp 1:30, and more inside a bookbag in the back seat at the beginning of her second BWC, she does not find any illegal narcotics. **(Board Review 7)** She told the CCRB 50 to 100 small Ziploc baggies known for drug-packaging were inside the vehicle as well as a greenish-brown tobacco-like substance which she doubted was from § 87(2)(b)'s Black & Mild cigars. **(Board Review 6)** Yet her second BWC only shows about four plastic baggies at timestamp 0:50 and neither BWC captures this tobacco-like substance at all. **(Board Review 7)** It should be noted the portions of these BWCs showing the vehicle search are very dark and often too obscured to clearly show what PO Reynolds is doing or what is visible to her. Based on the time signatures of the two videos, there is also a gap of over five minutes between the end of the first BWC stamped at 00:25:29 and the beginning of the second at 00:30:46. At timestamp 7:30 of her second BWC, after she finishes her search, she tells PO Dupres to release § 87(2)(b).

Before the interaction ends, PO Reynolds, § 87(2)(b) and PO Dupres stand near the open passenger door in her second BWC. **(Board Review 7)** At timestamp 8:47, PO Dupres, says "Have a goodnight, bro," and walks away. His BWC is turned off within two seconds of this statement at timestamp 16:57. **(Board Review 7)** About eight seconds later, at timestamp 8:55 of her BWC, PO Reynolds offers § 87(2)(b) a "contact card," but he declines. **(Board Review 7)** PO Dupres said he thought he ran out of business cards and therefore could not provide one. **(Board Review 8)** He said his name and shield number were prominently displayed and provided them verbally to § 87(2)(b). At timestamp 9:32 of his BWC, § 87(2)(b) does read "Dupres" aloud off the officer's chest, but at no point on the BWC does PO Dupres ever say his own name aloud. This aligns with § 87(2)(b)'s recollection that he learned the officers' names from their chest plates. **(Board Review 5)**

In just under 24 hours, PO Reynolds and PO Dupres would arrest § 87(2)(b) at the same location for § 87(2)(b).

§ 87(2)(b). **(Board Review 9)** This happened after PO Reynolds warns § 87(2)(b) they know "what's going on here," and they're "not stupid," and insisting § 87(2)(b) knows what she's talking about at timestamp 8:20 of her second BWC. **(Board Review 7)** § 87(2)(b) believed this arrest made him a target of the NYPD for the subsequent vehicle search on April 10, 2020. **(Board Review 5)**

NYC Traffic Rule 4-08(e)(2) prohibits parking within 15 feet of a fire hydrant. **(Board Review 10)** *People v Norman*, 142 A.D.3d 1107, determined that probable cause exists for the warrantless search of a defendant's vehicle, if an officer detects the smell of marijuana coming from inside. **(Board Review 11)** Additionally, *People v. Chestnut*, 43 A.D. 2d 260 determined officers may search a vehicle and its occupants based on the smell of marijuana. **(Board Review 12)**

§ 87(2)(g)

Patrol Guide Procedure 203-09 gives a series of steps officers must follow at the conclusion of law enforcement activities like a stop or search of a vehicle. (**Board Review 13**) Among them, offering business cards under the Right to Know Act from the required “appropriate amount” of an officer’s pre-printed or generic supply.

§ 87(2)(g)

Allegation F: Abuse of Authority: On April 10, 2020, Sergeant Louis Guglielmo stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation G: Discourtesy: On April 10, 2020, Sergeant Louis Guglielmo spoke discourteously to § 87(2)(b)

Allegation H: Abuse of Authority: On April 10, 2020, Police Officer Abel Dupres frisked

§ 87(2)(b)

Allegation I: Abuse of Authority: On April 10, 2020, Police Officer Abel Dupres searched the vehicle in which § 87(2)(b) was an occupant.

Allegation J: Abuse of Authority: On April 10, 2020, Police Officer Aine Reynolds searched the vehicle in which § 87(2)(b) was an occupant.

Allegation K: Abuse of Authority: On April 10, 2020, Sergeant Louis Guglielmo searched the vehicle in which § 87(2)(b) was an occupant.

Allegation L: Abuse of Authority: On April 10, 2020, Sergeant Louis Guglielmo threatened to seize § 87(2)(b) s property.

Allegation M: Abuse of Authority: On April 10, 2020, Police Officer Abel Dupres failed to provide § 87(2)(b) with a business card.

Allegation N: Abuse of Authority: On April 10, 2020, Sergeant Louis Guglielmo failed to provide § 87(2)(b) with a business card.

Allegation O: Abuse of Authority: On April 10, 2020, Police Officer Aine Reynolds failed to provide § 87(2)(b) with a business card.

§ 87(4-b) § 87(2)(g)

A very similar incident involving PO Reynolds, PO Dupres and Sgt. Guglielmo occurred at almost the same location on April 10, 2020, at approximately 12:30 AM, based on BWC videos. **(Board Review 2)** § 87(2)(b) said this time his vehicle was partially blocking a US Post Office's driveway. **(Board Review 5)** He reported Sgt. Guglielmo initiating a vehicle stop alone as he began to drive away by blocking him in with his unmarked vehicle and asking for his license and registration. He said when he showed these documents to him in a booklet, Sgt. Guglielmo told him to take them out of the "fucking book." PO Reynolds also remembered Sgt. Guglielmo being there first, but both Sgt. Guglielmo and PO Dupres remember he arrived alone after the two officers. **(Board Review 6, Board Review 14 & Board Review 8)**

§ 87(2)(b) gave his statement within three days of the interaction, saying Sgt. Guglielmo, whose rank was displayed on his uniform was there prior to PO Dupres' and PO Reynolds' arrival. **(Board Review 5)** PO Dupres' BWC supports this order of events as it shows § 87(2)(b)'s glovebox already open at the very beginning of the video with a set of documents in a binder on the passenger seat at timestamp 1:01, indicating he had at least begun the process of a vehicle stop. **(Board Review 15)** Sgt. Guglielmo's unmarked vehicle is shown blocking him in at a 45-degree angle at timestamp 0:51 also. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

All three MOS stated they could search § 87(2)(b)'s vehicle because they smelled marijuana coming from inside. **(Board Review 6, Board Review 8 & Board Review 14)** § 87(2)(b) and PO Dupres said PO Dupres asked § 87(2)(b) to exit the vehicle. **(Board Review 5 & Board Review 8)** PO Dupres' BWC shows § 87(2)(b) exiting his vehicle and PO Dupres frisking him at timestamp 0:31. **(Board Review 15)**

At timestamp 0:50 of his BWC, PO Dupres begins searching the driver's side of § 87(2)(b)'s vehicle while PO Reynolds and Sgt. Guglielmo remain with § 87(2)(b) near the trunk. **(Board Review 15)** He searches the passenger side and at timestamp 3:30, Sgt. Guglielmo gets in the driver's seat and assists PO Dupres. They discuss the secret compartment, known as a trap, PO Reynolds found when they arrested § 87(2)(b) a week earlier. At timestamp 4:10, PO Dupres also searches the backseat while he and Sgt. Guglielmo continue discussing the trap until Sgt. Guglielmo exits a minute later. PO Dupres searches the front seat again before opening the hood and searching the engine at timestamp 6:30. At timestamp 7:05 he asks PO Reynolds to check the compartment. This happens at timestamp 6:30 of PO Reynolds BWC and she enters the backseat, but it suddenly ends at timestamp 7:52 with her and Sgt. Guglielmo searching § 87(2)(b)'s vehicle. **(Board Review 15)**

In his statement to the CCRB, Sgt. Guglielmo did not consider climbing inside § 87(2)(b)'s car and looking around a search since he was only illuminating the area for PO Dupres. **(Board Review 14)** He said the NYPD prefers supervisors refrain from searching vehicles and only support officers since they would be the one to facilitate any arrest.

Most of the conversation around narcotics surrounds crack. § 87(2)(b) is the only one who mentions marijuana at timestamp 0:40 and 7:54 when he denies smoking in PO Dupres' BWC, who responds with, "Yeah, but you're in a drug prone location." (**Board Review 15**) The majority of the conversation takes place between § 87(2)(b) Sgt. Guglielmo, and PO Reynolds in her first of two BWC videos while PO Dupres searches the vehicle. Throughout the interaction, § 87(2)(b) accuses them of harassment beginning with, "You keep doing the same thing to me," at timestamp 0:30 when the audio begins. (**Board Review 15**) PO Reynolds responds with, "Right – well, did you not have drugs in your car? We found drugs in your car. What does that say? It says that you might have drugs in your car, right?" From that point on she and Sgt. Guglielmo only talk about crack and its likelihood of being in § 87(2)(b)'s vehicle.

At timestamp 1:55 of PO Reynolds first BWC, Sgt. Guglielmo tells § 87(2)(b) that his officers keep finding him in Hunts Point, and § 87(2)(b) replies they harass him for no reason. (**Board Review 15**) PO Reynolds says, "Not no reason – you had drugs in your car." At timestamp 2:10, Sgt. Guglielmo asks, "You really want to play this game? We searched your vehicle and we found drugs." At timestamp 2:35, § 87(2)(b) tells the officers that he is enrolled in an out-patient rehab program and PO Reynolds asks if it's okay to have crack. At timestamp 3:35, PO Reynolds asks why he keeps coming with crack in his car. A few seconds later Sgt. Guglielmo accuses § 87(2)(b) of selling crack. Even though the conversation centered around crack and § 87(2)(b)'s previous history, all MOS stated to the CCRB the interior of the vehicle did indeed smell of marijuana even though no narcotics were discovered. (**Board Review 6, Board Review 8 & Board Review 14**)

The very end of the interaction is not on BWC. PO Reynolds' BWC ends with her searching § 87(2)(b)'s car, PO Dupres' ends while still talking to § 87(2)(b) and Sgt. Guglielmo did not make a recording. (**Board Review 15**) § 87(2)(b) said once the BWCs were off, Sgt. Guglielmo said if he ever found his car in Hunts Point again, he would have it towed. (**Board Review 5**) When § 87(2)(b) asked why, the sergeant allegedly replied, "Don't fucking talk to me." The MOS said they did not remember such discourteous language or threats, but all three officers said the way § 87(2)(b) was parked could have resulted in a tow. (**Board Review 6, Board Review 8 & Board Review 14**)

No officers could say they offered § 87(2)(b) a business card before leaving the scene. PO Dupres again said he might have run out, but said he verbalized his name and shield, and this information was prominently displayed on his uniform. (**Board Review 8**) PO Dupres does state his name and shield number aloud to § 87(2)(b) at timestamp 9:47 of his BWC. (**Board Review 15**) Sgt. Guglielmo knew he did not provide him with one and PO Reynold's was unsure. (**Board Review 6 & Board Review 14**) No BWC video captured any discussion of business cards.

§ 87(2)(g)

NYC Traffic Rule 4-08 (f)(2) prohibits parking in front of driveways. (**Board Review 10**)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Assistant Deputy Commissioner of Trial, Robert W. Vinal’s determination in *DCT Case #79627/04* that officers may swear in certain stressful situations and NYC Traffic Rule 4-08(a)(9)(i), which allows for illegally parked vehicles to be towed, § 87(2)(g) [Redacted]
[Redacted]

(Board Review 10 & Board Review 16)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b) § 87(2)(g) [Redacted]
[Redacted]

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- PO Aine Reynolds has been a member of service for four years and has been the subject in three other CCRB complaints and seven other allegations, none of which were substantiated. § 87(2)(g)
- § 87(2)(g) **(Board Review 18)**
- PO Abel Dupres has been a member of service for four years and has been the subject in eight other CCRB complaints and 36 other allegations, none of which were substantiated. § 87(2)(g)
- § 87(2)(g) **(Board Review 19)**
- Sgt. Louis Guglielmo has been a member of service for 19 years and has been the subject in 16 other CCRB complaints and 39 other allegations, one of which was substantiated **(Board Review 20)**:
 - 201708455 involved a substantiated allegation of a retaliatory arrest against Sgt. Guglielmo. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g)
- § 87(2)(b) has been party to three other CCRB complaints and has been named a victim in 23 allegations **(Board Review 21)**:
 - § 87(2)(b)
 -
 -

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.

- On August 8, 2021, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller. On August 12, 2021, the NYC Office of the Comptroller stated no notices of claim filed by § 87(2)(b) were located for these incidents. (**Board Review 22**)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 7

Investigator: Nicholas Venduras
Signature

Inv. Nicholas Venduras
Print Title & Name

Sept. 17, 2021
Date

Manager Vanessa Rosen

September 20, 2021

Squad Leader: _____
Signature

Print Title & Name

Date

Reviewer: _____
Signature

Print Title & Name

Date